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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,517	04/13/2006	David Ryan	SM9308PCT(US)	3914
22203	7590	12/09/2009		
KUSNER & JAFFE HIGHLAND PLACE SUITE 310 6151 WILSON MILLS ROAD HIGHLAND HEIGHTS, OH 44143			EXAMINER HENRY, MARIE/GEORGES A	
			ART UNIT 2455	PAPER NUMBER
			MAIL DATE 12/09/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/575,517

**Applicant(s)**

RYAN, DAVID

**Examiner**

Marie Georges Henry

**Art Unit**

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07/20/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 19, 20, 22-33, 35-45, 50, 53, 56 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 19, 20, 22-33, 35-45, 50, 53, 56 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This is in response to the amendment filed on 7/20/2009. Claims 1-18, 46-49, 51- 52, 54-55 are withdrawn. Claims 21 and 34 are cancelled. Claims 19-20, 22-33, 35- 45, 50, 53, 56, and 57 are amended. Claims 19-20, 22-33, 35- 45, 50, 53, 56, and 57 are pending. Claims 19-20, 22-33, 35- 45, 50, 53, 56, and 57 are related to computer system and methods therefor.

#### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless -

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 19- 30, 32-43, 45, 50, 53, 56, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by **Hejlsberg** et al. (hereinafter "Hejlsberg ") (**US 6, 151, 602**).

Regarding claim 19, Hejlsberg discloses a communications format for use in providing communication between at least two devices, the format comprising:

a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hejlsberg, column 8, lines 36-37, fig.4, a row data including the actual data of a set of data is disclosed ), and

a second portion representing structured defining a data structure and a data format to be given to the first portion (Hejlsberg, column 8, lines 14-18, fig.4, a header and metadata are disclosed),

a plurality, of definitions stored in said at least two devices communicating using said communications format, wherein the plurality of definitions define a data structure and a data format given to said first portion and to said second portion, each of said definitions being defined by use of data structures and data formats selected from the plurality of definitions (Hejlsberg, column 14, lines 43-45, table 13, predefined optional parameters are disclosed in a table used by a provider an a client to communicate ),

wherein the data structure and the data format given to the second portion is definable, using the plurality of definitions, for each communication between said at

least two devices (Hejlsberg, column 20, lines 43-48, a client device is communicated with a provider device using SQL ).

Regarding claim 20, Hejlsberg discloses a format according to claim 19, wherein the second portion is adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hejlsberg, column 12, lines 37-41, one of the parameters used is in 16 bits parameter).

Regarding claim 22, Hejlsberg discloses a format according to claim 19, wherein the first and second portions are communicated between said at least two devices in separate transmissions (Hejlsberg, column 20, lines 43-48, a client device is communicated with a provider device using SQL ).

Regarding claim 23, Hejlsberg discloses a format according to claimed in claim 19, wherein the second portion represents a selection of at least one data structure and data format to be given to the first portion (Hejlsberg, column 19, lines 19-21, a metadata is disclosed in the first part ).

Regarding claim 24, Hejlsberg discloses a format according to claim 23, wherein the data structure and the data format to be given to the first portion is stored in at least one of the two devices (Hejlsberg, column 20 , lines 47-51; column 21, lines 17-20, inserted

in table, description columns are disclosed in the client and provider devices ).

Regarding claim 25, Hejlsberg discloses a format according to claim 19, wherein the second portion further provides information on reading the data (Hejlsberg, column 20, lines 48-49, fig.4, column description information is disclosed ).

Regarding claim 26, Hejlsberg discloses a format according to claim 19, wherein the second portion is a tag(s) (Hejlsberg, column 11, lines 19-20, a header is disclosed).

Regarding claim 27, Hejlsberg discloses a format according to claim 26, wherein the tag(s) is an element of a map providing correlation to stored information defining the second portion (Hejlsberg, column 13, table 13, in table parameters are described ).

Regarding claim 28, Hejlsberg discloses a format according to claim 27, wherein the map is adapted to map an external identifier to an internal identifier (Hejlsberg, column 15, table 13, parameters a able to respond to packet request ).

Regarding claim 29, Hejlsberg discloses a format according to claim 19, wherein the structured data is serializable for communication between the devices (Hejlsberg, column 15, table 13, packets of data are received in sequence).

Regarding claim 30, Hejlsberg discloses a format according to claim 19, wherein the structured data comprises structured data (Hejlsberg, column 8, lines 19-20, fig.4, a metadata is disclosed).

Regarding claim 31, Hejlsberg discloses a format according to claim 19, wherein the format only describes the data (Hejlsberg, column 8, lines 19-20, fig.4, a data column descriptors is disclosed).

Regarding claim 32, Hejlsberg discloses a method of communicating between at least two devices, the method comprising the steps of:

providing a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hejlsberg, column 8, lines 36-37 , fig.4, a row data including the actual data of a set of data is disclosed ), and

providing a second portion representing structured data for defining a data structure and a data format to be given to the first portion (Hejlsberg, column 8 , lines 14-18 , fig.4, a header and metadata are disclosed ),

providing a plurality of definitions stored in said at least two devices communicating using said communications format, wherein the plurality of definitions define a data structure and a data format given to said first portion and to said second

portion, each of said definitions being defined by use of data structures and data formats selected from the plurality of definitions (Hejlsberg, column 14, lines 43-45, table 13, predefined optional parameters are disclosed in a table used by a provider and a client to communicate ),

wherein the data structure and the data format given to the second portion is definable, using the plurality of definitions, for each communication between said at least two devices (Hejlsberg, column 20, lines 43-48, a client device is communicated with a provider device using SQL ).

Regarding claim 33, Hejlsberg discloses a method according to claim 32, wherein the second portion is adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hejlsberg, column 12, lines 37-41, one of the parameters used is in 16 bits parameter).

Regarding claim 35, a method according to claim 32, wherein the first and second portions are communicated between said at least two devices in separate transmissions (Hejlsberg, column 20, lines 43-48, a client device is communicated with a provider device using SQL).

Regarding claim 36, Hejlsberg discloses a method according to claim 32, wherein the second portion represents a selection of at least one data structure and data format to



be given to the first portion (Hejlsberg, column 19, lines 19-21, a metadata is disclosed in the first part).

Regarding claim 37, Hejlsberg discloses a method according to claim 36, wherein the data structure and the data format to be given to the first portion is stored in at least one of the two devices (Hejlsberg, column 20 , lines 47-51; column 21, lines 17-20, inserted in table, description columns are disclosed in the client and provider devices ).

Regarding claim 38, Hejlsberg discloses a method according to claim 32, wherein the second portion further provides information on reading the data (Hejlsberg, column 20, lines 48-49, fig.4, column description information is disclosed ).

Regarding claim 39, Hejlsberg discloses a method according to claim 32, wherein the second portion is a tag(s) (Hejlsberg, column 11, lines 19-20, a header is disclosed).

Regarding claim 40, Hejlsberg discloses a method according to claim 39, wherein the tag(s) is a map providing correlation to stored information defining the second portion (Hejlsberg, column 13, table 13, in table parameters are described).

Regarding claim 41, Hejlsberg discloses a method according to claim 40, wherein the map is adapted to map an external identifier to an internal identifier (Hejlsberg, column

15, table 13, parameters a able to respond to packet request ).

Regarding claim 42, Hejlsberg discloses a method according to claim 32, wherein the data serializable for communication between the devices (Hejlsberg, column 15, table 13, packets of data are received in sequence).

Regarding claim 43, Hejlsberg discloses a method according to claim 32, wherein the structured data comprises metadata (Hejlsberg, column 8, lines 19-20, fig.4, a metadata is disclosed).

Regarding claim 44, Hejlsberg discloses a method according to claim 32, wherein the format only describes the data (Hejlsberg, column 8, lines 19-20, fig.4, a data column descriptors is disclosed).

Regarding claim 45, Hejlsberg discloses architecture for a first communication device, the architecture comprising: a programming layer for communications internal to the first device, a communications layer for communications external to the first device with at least a second device, wherein the external communications are in accordance with a format comprising:

a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format

(Hejlsberg, column 8, lines 36-37, fig.4, a row data including the actual data of a set of data is disclosed ), and

a second portion representing structured data for defining a data structure and a data format to be given to the first portion (Hejlsberg, column 8, lines 14-18, fig.4, a header and metadata are disclosed),

a plurality of definitions stored in said first and second devices communicating using said format, wherein the plurality of definitions define a data structure and a data format given to said first portion and to said second portion, each of said definitions being defined by use of data structures and data formats selected from the plurality of definitions (Hejlsberg, column 14, lines 43-45, table 13, predefined optional parameters are disclosed in a table used by a provider and a client to communicate ),

wherein the data structure and the data format given to the second portion is definable, using the plurality of definition, for each communication between said first and second devices (Hejlsberg, column 20, lines 43-48, a client device is communicated with a provider device using SQL ).

Regarding claim 50, Hejlsberg discloses apparatus adapted to communicate with a device via a format comprising:

a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hejlsberg, column 8, lines 36-37 , fig.4, a row data including the actual data of a set of data is disclosed ), and

a second portion representing structured data for defining a data structure and a data format to be given to the first portion (Hejlsberg, column 8 , lines 14-18 , fig.4, a header and metadata are disclosed ),

a plurality of definitions stored in said apparatus and said device that are communicating using said format, wherein the plurality of definitions define a data structure and a data format given to said first portion and to said second portion, ,each of said definitions being defined by use of data structures and data formats selected from the plurality of definitions (Hejlsberg, column 14, lines 43-45, table 13, predefined optional parameters are disclosed in a table used by a provider an a client to communicate ),

wherein the data structure and the data format given to the second portion is definable, using the plurality of definitions, for each communication between said at least two (Hejlsberg, column 20, lines 43-48, a client device is communicated with a provider device using SQL),

said apparatus including:

processor means adapted to operate in accordance with a predetermined instruction set, said apparatus, in conjunction with said instruction set, being adapted to perform the communication (Hejlsberg, column 4 , lines 37-45, a computer system disclosed having processors carries instruction that perform the communication of the two devices).

Regarding claim 53, Hejlsberg discloses a computer program product including:  
a computer usable medium having computer readable program code and computer readable system code embodied on said medium for providing communications within a computer system between at least two devices, said computer program product including: computer readable code within said computer usable medium being adapted to communicate via a format comprising:

a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hejlsberg, column 8, lines 36-37 , fig.4, a row data including the actual data of a set of data is disclosed ), and

a second portion representing structured data for defining a data structure and a data format to be given to the first portion (Hejlsberg, column 8 , lines 14-18 , fig.4, a

header and metadata are disclosed),

a plurality of definitions stored in said at least two devices communicating using said format, wherein the plurality of definitions define a data structure and a data format given to said first portion and to said second portion, each of said definitions being defined by use of data structures and data formats selected from the plurality of definitions (Hejlsberg, column 14, lines 43-45, table 13, predefined optional parameters are disclosed in a table used by a provider and a client to communicate ),

wherein the data structure and the data format given to the second portion is definable, using the plurality of definitions, for each communication between said at least two (Hejlsberg, column 20, lines 43-48, a client device is communicated with a provider device using SQL).

Regarding claim 56, Hejlsberg discloses apparatus adapted to provide communications from a first device to a second device, said apparatus including: processor means adapted to operate in accordance with a predetermined instruction set, said apparatus, in conjunction with said instruction set, being adapted to perform a method comprising the steps of:

providing a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary

format (Hejlsberg, column 8, lines 36-37 , fig.4, a row data including the actual data of a set of data is disclosed ), and

providing a second portion representing structured for defining a data structure and a data format to be given to the first portion (Hejlsberg, column 8, lines 14-18, fig.4, a header and metadata are disclosed),

providing a plurality of definitions stored in said first and second devices, wherein the plurality of definitions define a data structure and a data format given to said first portion and to said second portion, each of said definitions being defined ..by use of data structures and data formats selected from the plurality of definitions (Hejlsberg, column 14, lines 43-45, table 13, predefined optional parameters are disclosed in a table used by a provider an a client to communicate ),

wherein the data structure and the data format given to the second portion is definable, using the plurality of definitions, for each communication between said first and second devices (Hejlsberg, column 20, lines 43-48, a client device is communicated with a provider device using SQL ).

Regarding claim 57, Hejlsberg discloses a computer program product including:  
a computer usable medium having computer readable program code and computer readable system code embodied on said medium for providing communications from a

first device to a second device within a computer system, said computer program product including:

computer readable code within said computer usable medium for performing a method comprising the steps of: providing a first portion representing data, the first portion being adapted to be rendered and communicated in an electronically communicable format, such as binary format (Hejlsberg, column 8, lines 36-37, fig.4, a row data including the actual data of a set of data is disclosed), and

providing a second portion representing structured data for defining a data structure and a data format to be given to the first portion (Hejlsberg, column 8, lines 14-18, fig.4, a header and metadata are disclosed),

providing a plurality of definitions stored in said first and second devices, wherein the plurality of definitions define a data structure and a data format given to said first portion and to said second portion, each of said definitions being defined by use of data structures and data formats selected from the plurality of definitions (Hejlsberg, column 14, lines 43-45, table 13, predefined optional parameters are disclosed in a table used by a provider and a client to communicate),

wherein the data structure and the data format given to the second portion is definable, using the plurality of definitions, for...e.a.ch communication between



said first and second devices (Hejlsberg, column 20, lines 43-48, a client device is communicated with a provider device using SQL ).

### **Response to Argument**

4. Applicant's arguments filed on July 20, 2009 with respect to claims 19-20, 22-33, 35-45, 50, 53, 56, and 57 have been considered and the rejections have been considered but are moot in view of the new ground(s) of rejection.

### **Conclusion**

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

*A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.*

Any inquiry concerning this communication from the examiner should be directed to Marie Georges Henry whose telephone number is (571) 270-3226. The examiner can normally be reached on Monday to Friday 7:30am - 4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marie Georges Henry/  
Examiner, Art Unit 2455

/saleh najjar/  
Supervisory Patent Examiner, Art Unit 2455